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EXAMINER

VANTERPOOL, LESTER L

ART UNIT PAPER NUMBER

3727

DATE MAILED: 02/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/715,772	<b>Applicant(s)</b> BROWN, WORTH	
	<b>Examiner</b> Lester L. Vanterpool	<b>Art Unit</b> 3727	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>November 18, 2004</u> . | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. Regarding claim 19, applicant is evoking 35 U.S. C. 112, sixth paragraph by using the words "means for securing".

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3, 6, 7 11 – 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roshaven (U.S. Patent Number 3862709) in view of Seals et al., (U.S. Patent Number 6209769). Roshaven discloses the strap (23) is configured to be placed over a person and to extend from a first side of the person, along the front of the person, over the shoulder on a second side of the person, and return along the back of the person to the first side (See Figure 1); wherein, the strap (23) also includes an opener (24) that enables the strap (23) to be opened and thereafter be placed around the person's midsection (column 3, line 37 –39). See Figure 1. However, Roshaven does not disclose a carrier supported by the strap, the carrier sized to hold a personal item. Seals et al., teaches the carrier (10) supported by the strap (See Figure 2),

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wherein, the carrier (10) is sized to hold a personal item. See Figure 1. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the carrier strap as taught by Seals et al., in order to allow users to transport important everyday personal items while wearing garments without pockets and remain hands free.

Regarding claim 3, as stated above in claim 1, Roshaven discloses the opener (24) is located between the end portions of the strap (23). See Figure 1.

Regarding claim 6, as stated above in claim 1, Roshaven discloses the opener (24) is an apparatus that is included in the selected group consisting of: a buckle, a snap-fitting apparatus, a button, a magnetic device, a clip, a frictionally securing device and any combination thereof (column 3, line 37 – 39). See Figure 1.

Regarding claim 7, as stated above in claim 1, Seals et al., discloses the carrier (10) slideably held by the strap. See Figure 2.

Regarding claim 11, as stated above in claim 1, Seals et al., discloses the carrier (10) sized and structured to hold the plurality of personal items. See Figures 1, 1a, & 1b.

Regarding claim 12, as stated above in claim 1, Seals et al., discloses the carrier (10) includes a portion that opens and closes (20) to enable insertion and removal of the personal item (column 4, line 7 -10). See Figures 1 & 1a.

Regarding claim 13, as stated above in claim 1, Seals et al., discloses the personal item as cellular telephone, wallets, and passports as selected from the group and any combination (column 4, line 3) and (column 4, line 21 -24).

4. Claims 2, 4, 5, 15 - 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roshaven (U.S. Patent Number 3862709) in view of Seals et al., (U.S. Patent Number 6209769) as applied to claim 1 above, and further in view of Hillis (U.S. Patent Number 6315179). Roshaven and Seals et al., disclose the invention substantially as claimed. However, Roshaven and Seals et al., do not disclose the assembly connected to end portions of the strap, wherein, the assembly includes an attachment mechanism that connects the assembly to an item of apparel located substantially at the person's mid-section. Hillis teaches the assembly connected to end portions of the strap (101) (See Figure 1), wherein, the assembly includes an attachment mechanism (110) connects the assembly to an item of apparel (205) (column 3, line 18) (See Figures 2 & 3). It would have been obvious to one having ordinary skill in the art at the time the invention was made to make an assembly as taught by Hillis in order to adequately enhance the security reliability between the carrier to the strap.

Regarding claim 4, as stated above in claim 2, Hillis discloses the attachment mechanism (110) is selected from the group consisting of: the spring clip, the lock, the hook and any combination thereof. See Figure 1.

Regarding claim 5, as stated above in claim 2, Hillis discloses the attachment is removable from the assembly by releasing the adjustable strap (109) from the assembly loop (108). See Figure 1.

Regarding claim 15, as stated above in claim 1, Hillis discloses the strap (101) is adjustable to fit over the person's shoulder and around the person's mid-section.

Regarding claim 16, as stated above in claim 1, Hillis discloses the strap (101) is adjustable via a loop made by the strap (101) (column 3, line 2 – 4).

Regarding claim 17, as stated above in claim 1, Hillis discloses the strap (101) is adjustable via a member (102) fixed to the strap (101) at a first strap position and slidably engaged to the strap (101) at a second strap position (column 3, line 2 – 4).

5. Claim 8 rejected under 35 U.S.C. 103(a) as being unpatentable over Roshaven (U.S. Patent Number 3862709) in view of Seals et al., (U.S. Patent Number 6209769) as applied to claim 1 above, and further in view of Talavera (U.S. Patent Number

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5263618). Roshaven and Seals et al., discloses the invention substantially as claimed. However Roshaven and Seals et al., do not disclose the carrier defining at least one aperture that receives the strap. Talavera discloses the carrier (72) defines at least one aperture (82) that receives that strap (column 3, line 31 – 35). See Figure 5. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the carrier as taught by Talavera in order to adequately enhance the security reliability between the carrier to the strap.

6. Claims 9 & 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roshaven (U.S. Patent Number 3862709) in view of Seals et al., (U.S. Patent Number 6209769) as applied to claim 1 above, and further in view of Racca. (U.S. Patent Number 6182878). Roshaven and Seals et al., disclose the invention substantially as claimed. However Roshaven and Seals et al., do not disclose the carrier including a plurality of folding members that hold the carrier frictionally against the strap. Racca teaches the carrier (10) includes a plurality of folding members (40) that hold the carrier (10) frictionally against the strap (46). See Figures 2 & 4. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the carrier as taught by Racca in order to adequately enhance the security reliability between the carrier to the strap.

Regarding claim 10, as stated above in claim 9, Racca discloses the folding members (40) including an attachment device (42 & 44) that attaches the members to one another.

7. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Roshaven (U.S. Patent Number 3862709) in view of Seals et al., (U.S. Patent Number 6209769) as applied to claim 1 above, and further in view of Grant (U.S. Patent Number 4750652). Roshaven and Seals et al., discloses the invention substantially as claimed. However, Roshaven and Seals et al., do not disclose at least one of the strap and the carrier is made from a material selected from the group consisting of: leather, suede, cowhide, fur, fabric, a polymer, polymer weave, nylon, a meshed material, a woven material and any combination thereof. Grant teaches at least one of the strap (20, 30, 40, & 50) and the carrier (60) is made from the leather material selected from the group and any combination thereof (column 2, line 13 – 15) and (column 2, line 18 – 20). It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the straps and the carrier from leather as taught by Grant in order to increase durability and enhance user's comfort.

8. Claims 18 – 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hillis (U.S. Patent Number 6315179) in view of Seals et al., (U.S. Patent Number 6209769). Hillis discloses the strap (101) sized to extend from the first side of a person, along the front of a person, over the shoulder on the second side of the person, and



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return along the back of the person to the first side, wherein the strap (101) is adjustable and operable to fit over the person's shoulder and around the person's mid-section.

See Figures 3 & 1. However, Hillis does not disclose a caddy moveably supported by the strap, wherein, the caddy sized to hold a personal item. Seals et al., teaches the caddy (10) moveably supported by the strap (See Figure 2), wherein, the caddy (10) is sized to hold a personal item. See Figures 1, 1a, & 1b. It would have been obvious to one having ordinary skill in the art at the time the invention was made to allow users to transport important everyday personal items while wearing garments without pockets and remain hands free.

Regarding claim 19, as stated above in claim 18, Hillis discloses securing end portions of the strap (101) to an item of apparel worn at the person's mid-section. See Figure 2.

Regarding claim 20, as stated above in claim 19, Hillis discloses the securing attachments includes the first portion attached to the ends of the straps and the second portion (110) that is attached to the item of apparel. See Figure 2.

Regarding claim 21, as stated above in claim 18, Hillis discloses the strap (101) is adjustable via a loop made by the strap (101) (column 3, line 2 – 4).

Regarding claim 22, as stated above in claim 18, Hillis discloses the strap (101) is adjustable via a member fixed (102) to the strap (101) at the first strap position and slidingly engaged to the strap (101) at the second strap position (column 3, line 2 – 4).

9. Claims 23 – 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hillis (U.S. Patent Number 6315179) in view of Seals et al., (U.S. Patent Number 6209769). Hillis discloses the strap (101) sized to extend from the first side of a person, along the front of the person, over the shoulder on the second side of the person, and return along the back of the person to the first side (See Figure 3); however Hillis does not disclose a caddy including a folding member that opens and closes around the strap to moveably secure the caddy to the strap, the member when unfolded exposing a first side having a plurality of compartments sized to hold personal items, the caddy including at least one other compartment located on a second side of the member.

Seals et al., teaches the caddy (10) including the folding member (30) that opens and closes around the strap to moveably secure the caddy (10) to the strap (column 4, line 40 – 44) (See Figures 1, 1a, 1b, & 2), wherein, the members (30) when unfolded exposes the first side (See Figure 1b) having a plurality of compartments sized to hold personal items, wherein the caddy (10) includes at least one other compartment located on the second side of the member (30) (See Figure 1a). It would have been obvious to one having ordinary skill in the art at the time of the invention was made the caddy as taught by Seals et al., in order to allow users to transport important everyday personal items while wearing garments without pockets and remain hands free.

Regarding claim 24, as stated above in claim 23, Seals et al., discloses at least one of the compartments located on the first side of the member are slots sized to hold items selected from the group consisting of: credit / debit cards, retail card, cash, insurance cards and driver's license (column 4, line 20 – 24). See Figure 1b.

Regarding claim 25, as stated above in claim 23, Seals et al., discloses the personal item such as wallets and passports (column 4, line 20 – 24), which was selected from the group consisting of: a cell phone, a pager, a wallet, a passport, an airline ticket, a compact disk player, a compact disk, make-up, medicine, a credit / debit card, a driver's license, an airline card, an insurance card, a retail card, cash, a cigarette package, an address book, a digital music player, an internet access device, a camera, a small television, an email access device, an electronic apparatus and any combination thereof. See Figure 1 & 1a.

Regarding claim 26, as stated above in claim 23, Seals et al., discloses the personal item holding compartment (12) located on the outside side of the foldable member (30). See Figure 1a. It would have been an obvious matter of design choice to have a plurality of personal item holding compartments located on the outside side of the folding members, since applicant has not disclosed that additional personal item holding compartments located on the outside side of the folding members solves any stated problem or is for any particular purpose and it appears that the invention would

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perform equally well with at least one personal item holding compartment located on the outside side of the folding members.

Regarding claim 27, as stated above in claim 23, Seals et al., discloses the second side compartment is sized to hold a cellular phone (column 4, line 2 – 3). See Figure 1 & 1a.

***Claim Rejections - 35 USC § 102***

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 28 – 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Seals et al., (U.S. Patent Number 6209769). Seals et al., discloses the foldable members (30) operable to fold around and coupled to the strap (column 4, line 39 – 44) (See Figures 1 & 2); wherein, the inside of the members (30) include multiple card holding slots (See Figure 1b); and the outside of the member (30) includes the compartment sized to securely hold the cellular phone (column 4, line 2 – 3). See Figure 1.

Regarding claim 29, as stated above in claim 28, Seals et al., discloses at least one of the compartments of the foldable members (30) includes the attachment device (22 & 32) selected from the group consisting of: a button, a magnetic device, a frictionally securing device and any combination thereof. See Figures 1a & 1b.

Regarding claim 30, as stated above in claim 28, Seals et al., discloses the personal item holding compartment (12) located on the outside side of the foldable member (30). See Figure 1a. It would have been an obvious matter of design choice to have a plurality of personal item holding compartments located on the outside side of the folding members, since applicant has not disclosed that additional personal item holding compartments located on the outside side of the folding members solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with at least one personal item holding compartment located on the outside side of the folding members.

### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lester L. Vanterpool whose telephone number is 571-272-8028. The examiner can normally be reached on Monday - Friday (8:30 - 5:00) EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571-272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LLV

  
**JES F. PASCUA**  
**PRIMARY EXAMINER**